

# **Determination of NEPA Adequacy (DNA) Copper Mountain Underground 12kV Distribution Line and Access Road**

U.S. Department of the Interior  
Bureau of Land Management

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OFFICE:: Las Vegas Field Office, LLNVS01000

TRACKING NUMBER: DOI-BLM-NV-S010-2014-0140-DNA

CASEFILE/PROJECT NUMBER: N-93477 & N-93477-01

PROPOSED ACTION TITLE/TYPE: ROW for 12kV underground distribution line and access road. DNA is tiered off of the Eldorado Valley Corridor Programmatic Environmental Assessment and Record Of Decision signed November 2012.

LOCATION/LEGAL DESCRIPTION: Location: West side of 95 south just north of the 165. Within the Eldorado Valley Corridor.

M.D.M, Nevada, T. 23 S., R. 63 E., sec. 27, SW $\frac{1}{4}$ SE $\frac{1}{4}$  SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$  SE $\frac{1}{4}$ .

APPLICANT (if any): Nevada Power Company d/b/a NV Energy

## **A. Description of Proposed Action and any applicable mitigation measures**

On September 11, 2014, NV Energy submitted applications for a STR for the construction of an underground 12kV distribution line and related appurtenances that measures 20 ft wide by 1,523 ft long and a ROW for an underground 12kV distribution line and related appurtenances that measures 10 ft wide by 1,523 ft long and will provide electrical equipment to Copper Mountain Solar 3 project. On October 9, 2014, an updated application was submitted for a 12kV distribution line and access road. The updated exhibits show the ROW as being west of the initial location (legals changed from SE $\frac{1}{4}$ SE $\frac{1}{4}$  to SW $\frac{1}{4}$ SE $\frac{1}{4}$  SE $\frac{1}{4}$  and SE $\frac{1}{4}$ SW $\frac{1}{4}$  SE $\frac{1}{4}$ ). The updated application includes a ROW for an underground 12kV distribution line and related appurtenances that measures 10 ft wide by 1,523 ft long (.349 acres) and an access road that measures 20 ft wide by 1,523 ft long (.699 acres)

## **B. Land Use Plan Conformance**

LUP Name\* NV - Las Vegas RMP Date Approved: October 5, 1998

*\*List applicable LUPs (for example, resource management plans; activity, project, management, or program plans; or applicable amendments thereto)*

**The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decisions:**

The proposed action is in conformance because it is specifically provided for in the Land Use Plan Decisions RW-1, and RW-1-h, in the approved Las Vegas Resource Management Plan.

RW-1 — "Meet public demand...providing an orderly system of development for transportation, including legal access to private holdings, communications, flood control, major utility transmission lines, and related facilities."

RW-1-h — “All public land within the planning area...are available at the discretion of the agency for ROW’s under the authority of the Federal land Policy Management Act.”

The proposed action is in conformance to the Land Use Plan terms and conditions as required by 43 CFR 1610.5-3

**The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions):**

Las Vegas Resource Management Plan, EIS, ROD signed October 5, 1998

Title V of the Federal Land Policy and Management Act of 1976 which allows for ROW’s on BLM administered lands.

43 CFR 2800 for ROW’s

**C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.**

Las Vegas Resource Management Plan, EIS, ROD signed October 5, 1998

Title V of the Federal Land Policy and Management Act of 1976 which allows for ROW’s on BLM administered lands.

43 CFR 2800 for ROW’s

The proposed action will DNA off of the Eldorado Valley Corridor Programmatic EA, ROD signed November 23, 2012.

**D. NEPA Adequacy Criteria**

**1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?**

The proposed action is for an underground 12kV distribution line with related appurtenances and access road. The proposed area was previously analyzed under the Eldorado Valley Corridor Programmatic EA,, ROD signed November 23, 2012. The EA, ROD was analyzed for all ROW actions within the Eldorado Valley Corridor which includes transmission lines. Yes, the project is in the same analysis area.

**2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource value?**

The proposed action for a ROW for an underground 12kV distribution line and access road will not change the analysis. The area is located out of valley within the designated BLM corridor. The underground distribution line is an appropriate action with respect to the original analysis and will not affect any new environmental concerns, interests, or resource values for the area.

**3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessments, recent endangered species listings, updated lists**

of BLM sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

The proposed ROW area is in a previously disturbed area. A total of 1.048 acres of public land will be used.

**4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?**

Yes, the action is the same as was previously analyzed therefore, the direct, indirect, and cumulative effects would be the same.

**5. Are there public involvement and interagency reviews associated with existing NEPA document(s) adequate for the current proposed action?**

Public Involvement and interagency reviews were completed in the analysis for the Eldorado Valley Corridor Programmatic EA, ROD signed November 23, 2012.

## **E. Persons/Agencies/BLM Staff Consulted**

**Table 1. List of Preparers**

<b>Name</b>	<b>Role</b>	<b>Discipline</b>
Vivian Browning	Author, Data Entry, Editor, Team Lead, Reviewer, Project Administrator	Realty Specialist
Carla Wise	Author, Editor, Reviewer	Biologist
Joseph Varner	Author, Editor, Reviewer, Team Lead, Project Administrator	Planning & Environmental Coordinator
Lisa T. Christianson	Author, Editor, Reviewer	Air Quality, Greenhouse Gas Emissions, Hazardous Materials Specialist
Boris Poff	Author, Editor, Reviewer	Hydrologist, Soils, Water Quality, Water Rights
Benjamin Klink	Author, Editor, Reviewer	Fire Management Specialist, Noxious Weeds
Lorri Dukes	Author, Editor, Reviewer	Geologist, Minerals
Fred S. Edwards	Author, Editor, Reviewer	Botanist, T&E Species Specialist
Chris Linehan	Author, Editor, Reviewer	Recreation
Krystal Johnson	Author, Editor, Reviewer	Wild Horse & Burro Specialist
Melanie Cota	Author, Editor, Reviewer	Biologist, T&E Species Specialist
Mathew E Hamilton	Author, Editor, Reviewer	Biologist, T&E Species Specialist
Kirsten Cannon	Author, Editor, Public Affairs	Public Affairs
Ashley Fisher	Author, Editor, Reviewer	T&E Species Specialist
Stanley Plum	Author, Editor, Reviewer, Data Entry	Archaeologist
Randy S Kyes	Editor, Author, Reviewer	Wildlife Biologist
Evan S. Allen	Author, Editor, Reviewer	Minerals
John Schumacher	Author, Editor, Reviewer	Geologist, Minerals
Lauren P. Brown	Author, Editor, Reviewer	Weeds Specialist
Mark S. Slaughter	Author, Editor, Reviewer	Biologist

**Note**

Refer to the EA/EIS for a complete list of the team members participating in the preparation of the original environmental analysis or planning documents.

**Conclusion**

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirement of NEPA.



Project Lead: Vivian Browning, Realty Specialist



Vanessa L. Hice, Assistant Field Manager Division of  
Lands

Acting  
for

11-19-2014

Date

**Note:**

The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.

**Exhibit A**  
**Stipulations N-93477 & N-93477-01**

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**1.0 Special Stipulations**

- 1.1 Trench for underground distribution line will be backfilled or covered at the end of each day during hours of inactivity to prevent animals from inadvertently falling in.
- 1.2 The Holder shall notify the Bureau of Land Management (BLM), Wildlife Biologist staff, at 702-515-5000 of their construction schedule at least 10 days before initiation of the project. Failure to abide by the terms and conditions of the grant and Biological Opinion, could result in temporary suspension of all activities within your right-of-way (ROW) area per 43 CFR 2807.16 and 43 CFR 2807.17.
- 1.3 Should a tortoise be killed, injured, handled, or penned, you will need to have an Authorized Desert Tortoise Biologist complete Appendix E. Please forward Appendix E to the BLM, Attn: Wildlife Biologist, 4701 N. Torrey Pines Drive, Las Vegas, Nevada 89130. Failure to abide by the terms and conditions of the grant and Biological Opinion, could result in temporary suspension of all activities within your ROW area per 43 CFR 2807.16 and 43 CFR 2807.17.
- 1.4 The Holder must complete and return Appendix G herein annually and/or upon completion of construction of the project. Please forward Appendix G to the BLM, Attn: Wildlife Biologist, 4701 N. Torrey Pines Drive, Las Vegas, Nevada 89130. Failure to abide by the terms and conditions of the grant and Biological Opinion, could result in temporary suspension of all activities within your ROW area per 43 CFR 2807.16 and 43 CFR 2807.17.
- 1.5 The Holder must abide by monitoring, maintenance, and reporting requirements per the Biological Opinion. Failure to abide by the terms and conditions of the grant and Biological Opinion, could result in temporary suspension of all activities within your ROW area per 43 CFR 2807.16 and 43 CFR 2807.17.

**2.0 General Stipulations**

- 2.1. The ROW is issued subject to all valid existing rights.
- 2.2. No signs or advertising devices shall be placed on the premises or on adjacent public lands, except those posted by or at the direction of the authorized officer.

- 2.3. The ROW shall be maintained in a sanitary condition at all times. Waste materials at those sites shall be disposed of promptly at an approved waste disposal site. "Waste", as used in this paragraph, shall mean all discarded matter of any kind.
- 2.4. Holder shall mark the exterior boundaries of the ROW with stake and/or lath at 100 to 200 foot intervals. The intervals may be varied at the time of staking at the discretion of the Authorized Officer. The tops of the stakes and/or laths will be painted and the laths flagged in a distinctive color as determined by the Holder. Holder shall maintain all boundary stakes and/or laths in place until final cleanup and restoration is completed.
- 2.5. Holder shall conduct all activities associated with construction, operation, maintenance and termination of this ROW within its authorized limits.
- 2.6. Holder shall maintain the ROW in a safe, useable condition, as directed by the Authorized Officer. A regular maintenance program shall include, but is not limited to, soil stabilization.
- 2.7. Holder shall maintain copy of the authorization along with stipulations on construction site at all times. In the event that the public land underlying the ROW encompassed in this grant, or a portion thereof, is conveyed out of Federal ownership and administration of the ROW or the land underlying the ROW is not being reserved to the United States in the patent/deed and/or the ROW is not within a ROW corridor being reserved to the United States in the patent/deed, the United States waives any right it has to administer the ROW, or portion thereof, within the conveyed land under Federal laws, statutes, and regulations, including the regulations at 43 CFR Part [2800][2880], including any rights to have the holder apply to BLM for amendments, modifications, or assignments and for BLM to approve or recognize such amendments, modifications, or assignments. At the time of conveyance, the patentee/grantee, and their successors and assigns, shall succeed to the interests of the United States in all matters relating to the ROW, or portion thereof, within the conveyed land and shall be subject to applicable State and local government laws, statutes, and ordinances. After conveyance, any disputes concerning compliance with the use and the terms and conditions of the ROW shall be considered a civil matter between the patentee/grantee and the ROW Holder.
- 2.8. Within 90 days of construction completion, the Holder shall provide the Authorized Officer with data in a format compatible with the Bureau's Arc-Info Geographic Information System to accurately locate and identify the ROW:

Acceptable data formats are:

Corrected Global Positioning System files with sub-meter accuracy or better, in UTM NAD 83; Zone 11;

ARCGIS export files on a CD ROM, shapefile, geodatabase.

Data may be submitted in any of the following formats:  
ARCGIS interchange, shapefile or geodatabase format.  
CD ROM in compressed or uncompressed format.

All data shall include metadata for each coverage, and conform to the Content Standards for Digital Geospatial Metadata Federal Geographic Data Committee standards. Contact the GIS Department at (702) 515-5000.

### 3.0 Air Quality

- 3.1. Ensure dust control permit is obtained from DAQ for all soil disturbing activities of .25 acres or greater, in the aggregate and all permit stipulations are in compliance for the duration of the project.

Notwithstanding whether a violation of any air quality permit, law or regulation results, the Holder will cooperate with the Authorized Officer in implementing and maintaining reasonable and appropriate dust control methods in conformance with law and appropriate to the circumstances at the sole cost of the Holder.

Prior to relinquishment, abandonment, or termination of this ROW, the Holder shall apply reasonable and appropriate dust abatement and control measures to all disturbed areas. The abatement and measures shall be designed to be effective over the long-term (e.g., rock mulch or other means) and acceptable to the Authorized Officer.

- 3.2. During excavation, backfilling, and contouring, the disturbed soil should be wetted sufficiently in order to effectively reduce airborne dust and reduce soil erosion.

### 4.0 Cultural

- 4.1. Any cultural and/or paleontological resources (historic or prehistoric site or object) discovered by the Holder, or any person working on his behalf on public or Federal lands shall be immediately reported to the Authorized Officer/ BLM Cultural staff. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by the Authorized Officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The Holder will be responsible for the cost of evaluation. Any decision regarding suitable mitigation measures will be made by the Authorized Officer after consulting with the Holder. Holder shall be responsible for the resultant mitigation costs.

## 5.0 Hazardous Material/Pesticides/Liability/ Fire Management

- 5.1. No hazardous material, substance, or hazardous waste, (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, *et seq.*, or the Resource Conservation and Recovery Act, 42 U.S.C. 6901, *et seq.*) shall be used, produced, transported, released, disposed of, or stored within the ROW area at any time by the Holder. The Holder shall immediately report any release of hazardous substances (leaks, spills, etc.) caused by the Holder or third parties in excess of the reportable quantity as required by federal, state, or local laws and regulations. A copy of any report required or requested by any federal, state or local government agency as a result of a reportable release or spill of any hazardous substances shall be furnished to the Authorized Officer concurrent with the filing of the reports to the involved federal, state or local government agency.
- 5.2. The Holder shall immediately notify the Authorized Officer of any release of hazardous substances, toxic substances, or hazardous waste on or near the ROW potentially affecting the ROW of which the Holder is aware.
- 5.3. As required by law, Holder shall have responsibility for and shall take all action(s) necessary to fully remediate and address the hazardous substance(s) on or emanating from the ROW.
- 5.4. Use of pesticides shall comply with the applicable Federal and state laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the Holder shall obtain from the Authorized Officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers and any other information deemed necessary by the Authorized Officer.

The plan shall be submitted no later than December 1 of any calendar year that covers the proposed activities for the next fiscal year.

Pesticides shall not be permanently stored on public lands authorized for use under this ROW.

Currently there are no emission limits for suspected Greenhouse Gas (GHG) emissions, and no technically defensible methodology for predicting potential climate changes from GHG emissions. However, there are, and will continue to be, several efforts to address GHG emissions from federal activities, including BLM authorized uses.

- 5.5. The Holder shall comply with all applicable local, state, and federal air, water, hazardous substance, solid waste, or other environmental laws and regulations, existing or hereafter enacted or promulgated. To the full extent permissible by law,



the Holder agrees to indemnify and hold harmless, within the limits, if any, established by state law (as state law exists on the effective date of the right-of-way), the United States against any liability arising from the Holder's use or occupancy of the ROW, regardless of whether the Holder has actually developed or caused development to occur on the ROW, from the time of the issuance of this ROW to the Holder, and during the term of this ROW. This agreement to indemnify and hold harmless the United States against any liability shall apply without regard to whether the liability is caused by the Holder, its agents, contractors, or third parties. If the liability is caused by third parties, the Holder will pursue legal remedies against such third parties as if the Holder were the fee owner of the ROW.

Notwithstanding any limits to the Holder's ability to indemnify and hold harmless the United States which may exist under state law, the Holder agrees to bear all responsibility (financial or other) for any and all liability or responsibility of any kind or nature assessed against the United States arising from the Holder's use or occupancy of the ROW regardless of whether the Holder has actually developed or caused development to occur on the ROW from the time of the issuance of this ROW to the Holder and during the term of this ROW.

- 5.6. All mineral materials need to be used on site within the right-of-way or stockpiled on site for disposal by the BLM. If mineral materials are stockpiled on site for future disposal by the BLM, a mineral material contract, free use permit or material site right-of-way must be issued by the BLM before those mineral materials may be used.
- 5.7. Compliance with fire restrictions current at time of project implementation will mitigate any risks introduced by the proposed actions. Specific, noncompliant activities may be waived on a case by case basis by a line officer after review and approval by the Fire Management Officer.

## **6.0 Survey Monuments**

- 6.1. Holder shall protect all survey monuments found within the authorization area. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U.S. Coast and Geodetic Survey benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. If any of the above are to be disturbed during operations, the holder shall secure the services of a Professional Land Surveyor or Bureau cadastral surveyor to perpetuate the disturbed monuments and references using surveying procedures found in the Manual of Instructions for the Survey of the Public Lands of the United States and Nevada Revised Statutes, Chapter 329, Perpetuation of Corners. The holder shall record such survey in the appropriate county and send a copy to the authorized officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monuments, the holder shall be responsible for the survey cost.

## **7.0 Vegetation/Noxious Weeds/Land surface Treatment/Soil/Water/Riparian**

- 7.1. There are no conflicts with any T/E plant species. This project occurs within the designated "low" density zone for cactus and yucca and has been previously disturbed. All cactus and yucca that might be impacted by this action must be disposed of in an off-site trash receptacle.
- 7.2. The Holder shall be responsible for weed control on disturbed areas within the limits of the ROW. The Holder is responsible for consultation with the Authorized Officer and/or local authorities for acceptable weed control methods within limits imposed in the ROW stipulations.

Although this project proposes no new disturbance, all travel vectors have increased risks of introducing and transporting weeds. BLM Standard Weed Stipulations clearly outline standards for vehicle and equipment washing to reduce the transportation of Invasive Species / Noxious Weed seeds on BLM lands. These stipulations as well as all BMP's must be followed to mitigate risk of establishing new weed infestation within the project area.

- 7.3. Land surface treatment for areas previously disturbed: Following excavation, trenches will be backfilled with the excavated soil. The soil will be distributed and contoured evenly over the surface of the disturbed area. The soil surface will be left rough to help reduce potential wind erosion.
- 7.4. Land surface treatment for areas previously undisturbed: Strip the top three to six inches of soil material with associated plant material over all surfaces to be disturbed by construction. Stockpile this material along the course of construction will be salvaged and transplanted out of harm's way but still within the ROW. At the conclusion, including trench backfilling and compaction, replace the stockpiled soil with plant debris uniformly back on the surface of the disturbed area.
- 7.5. Soil/Water/Riparian: If work is to occur in Ephemeral channels, need to consult with Army Corp of Engineers (ACOE) and Nevada Department of Environmental Protection (NDEP). If drilling boreholes, holder needs to follow Nevada Administrative Code (NAC) protocols for drilling.

## **8.0 Fish and Wildlife**

- 8.1 Wildlife species in the general area include small mammals, rodents, birds and reptiles. Additionally, the BLM sensitive species western burrowing owl, chuckwalla, banded gila monster, Mojave shovel-nosed snake, desert glossy snake, Mojave Desert sidewinder may be present in the general area. These species would be displaced as lands are disturbed within the project area. The primary direct impact of the proposed action on wildlife would be the potential killing or maiming of ground dwelling animals during construction and the loss of habitat. Additional impacts associated with the mortality from vehicular traffic may also be realized upon the completion of construction and subsequent use of the project area.

## **9.0 Migratory Birds**

- 9.1. Migratory birds, including the BLM sensitive species the western burrowing owl (*Athene cunicularia*), may be present in the project area. The direct impacts of projects in the proposed action area on migratory birds would be loss of nesting habitat and forage and mortality. Projects resulting in surface and vegetation disturbance must comply with the following measures:

To prevent undue harm, habitat-altering projects or portions of projects should be scheduled outside bird breeding season. In upland desert habitats and ephemeral washes containing upland species, the season generally occurs between March 15th - July 30<sup>th</sup>.

If a project that may alter any breeding habitat has to occur during the breeding season, then a qualified biologist must survey the area for nests prior to commencement of construction activities. This shall include burrowing and ground nesting species in addition to those nesting in vegetation. If any active nests (containing eggs or young) are found, an appropriately-sized buffer area must be avoided until the young birds fledge.

## **10.0 Visual Resources**

- 10.1 The objective of this class is to partially retain the existing character of the landscape. The level of change to the characteristic landscape should be moderate. Management activities may attract attention but should not dominate the view of the casual observer. Changes should repeat the basic elements found in the predominant natural features of the characteristic landscape.

## **11.0 Lands/Access**

- 11.0 The proposed action is located wholly within a designated transportation and utility corridor which BLM retains ownership and jurisdiction over as excepted and reserved in Patent No. 27-95-0022. This 2,000 ft. wide utility corridor is one of

several corridors in the Eldorado Valley known as the Eldorado Valley Corridors. An administrative survey of this corridor was completed in September 16, 2013. Any use, construction, development, maintenance, and termination of the project within the corridor must not negatively impact existing and future uses of the corridor.

## 12.0 Threatened and Endangered Wildlife and Plant Species Stipulations

- 12.1 Threatened and endangered species are placed on a federal list by the U. S. Fish and Wildlife Service (USFWS) and receive protection under the Endangered Species Act of 1973 (ESA), as amended. The only T&E species known to occur in the vicinity of the proposed project area is the threatened desert tortoise (*Gopherus agassizii*).

In the Mojave region, the desert tortoise occurs primarily on flats and bajadas with soils ranging from sand to sandy-gravel characterized by scattered shrubs and abundant inter-shrub space for herbaceous plant growth. They are also found on rocky terrain and slopes. Historical survey data indicates that the area surrounding the project site is very high to very low density tortoise habitat.

Projects resulting in surface and vegetation disturbance would result in a loss of tortoise habitat and forage. The proposed project area contains and is adjacent to undisturbed, contiguous habitat wherein potential corridors for tortoise entry exist. There is potential for tortoises to wander into the proposed project area. If not noticed and avoided during construction, desert tortoises could be either injured or killed (by crushing) or harassed (by being moved out of harm's way).

This notice will serve as the Section 7 Determination (Sec 7 Log # NV-052-15-007) and no additional paperwork will be provided.

- 12.2 The Holder will comply with the terms and conditions of the **Biological Opinion File No. 84320-2010-F-0365-R003 for this project** on file at the Bureau of Land Management, Las Vegas Field Office and included below.

Case Number: N-93477, N-93477-01  
NEPA Project #: DOI-BLM-NV-S010-2014-0140-DNA  
Sec. 7 Log #: NV-052-15-007

**TERMS AND CONDITIONS for ROWs: BO File No. 84320-2010-F-0365.R003**

In order to be exempt from the prohibitions of section 9 of the Act, the Bureau must comply with the following terms and conditions and minimization measures, which implement the reasonable and prudent measures described above. These terms and conditions are non-discretionary.

**RPM 1: Applies towards lands and realty, ROWs, and mining actions and other activities that involve vehicle and equipment use, excavations, or blasting.** BLM, and other jurisdictional Federal agencies as appropriate, shall implement or ensure implementation of measures to minimize injury or mortality of desert tortoises due to project construction, operation and maintenance; and most actions involving habitat disturbance.

**Terms and Conditions:**

**1.a. Field Contact Representative—**The desert tortoise monitor may act as the FCR.

BLM shall ensure a Field Contact Representative (FCR) (also called a Compliance Inspection Contractor) is generally designated for each contiguous stretch of construction activity for linear projects or isolated work areas for non-linear projects. The FCR will serve as an agent of BLM and the Service to ensure that all instances of non-compliance or incidental take are reported. BLM has discretion over approval of potential FCRs; however, those who also may be acting as authorized desert tortoise biologists, and must also be approved by the Service (see Term and Condition 1.c). All FCRs will report **directly** to BLM and the Service.

The FCR, authorized desert tortoise biologist, and monitors (see Term and Condition 1.c.) shall have a copy of all stipulations when work is being conducted on the site and will be responsible for overseeing compliance with terms and conditions of the ROW grant, including those for listed species. BLM shall ensure the FCR and authorized desert tortoise biologists have authority to halt any activity that is in violation of the stipulations. The FCR shall be on site year-round during all project activities.

Within 3 days of employment or assignment, the project proponent and BLM shall provide the Service with the names of the FCR.

**1.b. Authorized desert tortoise biologist— This project will require an authorized desert tortoise biologist to present a tortoise education program to workers, conduct desert tortoise clearance surveys and is required to be call during the desert tortoise active season (March 1 to October 31) for construction activities associated with this project.**

All authorized desert tortoise biologists (and monitors) are agents of BLM and the Service and shall report directed to BLM and the proponent concurrently regarding all compliance issues and take of desert tortoises; this includes all draft and final reports of non-compliance or take. The initial draft report shall be provided to BLM and Service within 24 hours of the observation of take or non-compliance.

An authorized desert tortoise biologist will be assigned to each piece/group of large equipment engaged in activities that may result in take of desert tortoise (e.g., clearing, blasting, grading, lowering in pipe, hydrostatic testing, backfilling, recontouring, and reclamation activities) and other work areas that pose a risk to tortoises. BLM may use their discretion to require a monitor instead of an authorized desert tortoise biologist to monitor equipment that is low risk to tortoises.

- I. c. Authorized desert tortoise biologists, monitors, and the FCR (see Term and Condition I.a.) shall be responsible for ensuring compliance with all conservation measures for the project. This responsibility includes: (1) enforcing the litter-control program; (2) ensuring that desert tortoise habitat disturbance is restricted to authorized areas; (3) ensuring that all equipment and materials are stored within the boundaries of the construction zone or within the boundaries of previously-disturbed areas or designated areas; (4) ensuring that all vehicles associated with construction activities remain within the proposed construction zones; (5) ensuring that no tortoises are underneath project vehicles and equipment prior to use or movement; (6) ensuring that all monitors (including the authorized desert tortoise biologist) have a copy of the required measures in their possession, have read them, and they are readily available to the monitor when on the project site.

An authorized desert tortoise biologist will serve as a mentor to train desert tortoise monitors and will approve monitors if required. An authorized desert tortoise biologist is responsible for errors committed by desert tortoise monitors.

An authorized desert tortoise biologist shall record each observation of desert tortoise handled in the tortoise monitoring reports. Information will include the following: location (GPS), date and time of observation, whether the desert tortoise was handled, general health and whether it voided its bladder, location desert tortoise was moved from and location moved to, unique physical characteristics of each tortoise, and effectiveness and compliance with the desert tortoise protection measures. This information will be provided **directly** to BLM and the Service.

An authorized desert tortoise biologist should possess a bachelor's degree in biology, ecology, wildlife biology, herpetology, or closely related field. The biologist must have demonstrated prior field experience using accepted resource agency techniques. As a guideline, Service approval of an authorized biologist requires that the applicant have at least 60 days project experience as a desert tortoise monitor. In addition, the biologist shall have the ability to recognize and accurately record survey results and must be familiar with the terms and conditions of the biological opinion that resulted from project-level consultation between BLM and the Service. All tortoise biologists shall be familiar with the field manual (Service 2009).

Potential authorized desert tortoise biologists must submit their statement of qualifications to the Service's Nevada Fish and Wildlife Office in Las Vegas for approval, allowing a minimum of 30 days for Service response. The statement form is available on the internet at:  
[http://www.fws.gov/nevada/desert\\_tortoise/auth\\_dt\\_form.htm](http://www.fws.gov/nevada/desert_tortoise/auth_dt_form.htm).

Prior to final approval to begin work on the project, the authorized desert tortoise biologists will have read the required measures (terms and conditions and other stipulations) and have a copy of

the measures available at all times while on the project site. BLM shall provide the appropriate agency contact for the project to the Service and the Service will include the forms with approval letters. Biologists and monitors should be visibly identifiable on the project site, which may include use of a uniquely designated hardhat or safety vest color.

- 1. d. Desert tortoise monitor— required to be onsite for construction activities as well as maintenance activities utilizing heavy equipment March through November when desert tortoise are most active. If a desert tortoise is observed in the area, all activities will cease until the desert tortoise has moved to a safe area on its own.**

Desert tortoise monitors assist an authorized desert tortoise biologist during surveys and serve as apprentices to acquire experience. Desert tortoise monitors ensure proper implementation of protective measures, and record and report desert tortoises and sign observations in accordance with Term and Condition 1.c. They will report incidents of noncompliance to the authorized desert tortoise biologist or FCR. No monitors shall be on the project site unless supervised by an authorized desert tortoise biologist or approved by the BLM.

If a desert tortoise is immediately in harm's way (e.g., certain to immediately be crushed by equipment), desert tortoise monitors may move the desert tortoise then place it in a designated safe area until an authorized desert tortoise biologist assumes care of the animal.

Desert tortoise monitors may not conduct field or clearance surveys or other specialized duties of an authorized desert tortoise biologist unless directly supervised by an authorized desert tortoise biologist or approved to do so by the Service; "directly supervised" means an authorized desert tortoise biologist has direct sight and voice contact with the desert tortoise monitor (i.e., within approximately 200 ft of each other).

Within 3 days of employment or assignment, the project proponent and BLM shall provide the Service with the names of desert tortoise monitors who would assist an authorized desert tortoise biologist.

- 1.e. Desert tortoise education program—A desert tortoise education program shall be presented to all personnel on site during construction activities by an agency or authorized desert tortoise biologist. The Service, BLM, and appropriate state agencies shall approve the program. At a minimum, the program shall cover desert-specific Leave-No-Trace guidelines, the distribution of desert tortoises, general behavior and ecology of this species, sensitivity to human activities, threats including introduction of exotic plants and animals, legal protection (the definition of "take" will also be explained), penalties for violation of State and Federal laws, reporting requirements, and project measures in this biological opinion. All field workers shall be instructed that activities must be confined to locations within the approved areas and their obligation to walk around and check underneath and vehicles and equipment before moving them (or be cleared by an authorized desert tortoise biologist). Workers and project associates will be encouraged to carpool to and from the project sites. In addition, the program shall include fire prevention measures to be implemented by employees during project activities. The program shall instruct participants to report all observations of desert tortoise and their sign during construction activities to the FCR and authorized desert tortoise biologist.**

- 1.f. Vehicle travel— Project personnel shall exercise vigilance when commuting to the project area to minimize risk for inadvertent injury or mortality of all wildlife species encountered on paved and unpaved roads leading to and from the project site. Speed limits will be clearly marked, and all workers will be made aware of these limits. On-site, personnel shall carpool to the greatest extent possible.

During the desert tortoise less-active season (generally November through February), vehicle speed on project-related access roads and in the work area will not exceed 25 mph. All vehicles and construction equipment will be tightly grouped.

During the more-active season (generally March through October), and if temperatures are above 60 but below 95 °F for more than 7 consecutive days, vehicle speed on project-related access roads and in the work area will not exceed 15 mph. All vehicles and construction equipment will operate in groups of no more than three vehicles.

New access and spur road locations will be sited to avoid potentially active tortoise burrows to the maximum extent practicable.

- 1.g. Unauthorized access—BLM shall ensure that unauthorized personnel, including the public and off-duty project personnel, do not travel on project-related temporary access roads, to the greatest extent practicable.

**1.h. Desert tortoise clearance—not required for this project.**

- 1.i. Desert tortoise in harm's way—Any project-related activity that may endanger a desert tortoise shall cease if a desert tortoise is found on the project site. Project activities may resume after an authorized desert tortoise biologist or desert tortoise monitor (see restrictions in Term and Condition 1.d.) removes the desert tortoise from danger or after the desert tortoise has moved to a safe area on its own.

During the more-active season and if temperatures are above 60 but below 95 °F for more than 7 consecutive days, at least 1 monitor shall be assigned to observe spoil piles prior to excavation and covering.

- 1.j. Handling of desert tortoises—Desert tortoises shall only be moved by an authorized desert tortoise biologist or desert tortoise monitor (see restrictions in Term and Condition 1.d.) solely for the purpose of moving the tortoises out of harm's way. During construction, operation, and maintenance, an authorized desert tortoise biologist shall pen, capture, handle, and relocate desert tortoises from harm's way as appropriate and in accordance with the most current Service-approved guidance. No tortoise shall be handled by more than one person. Each tortoise handled will be given a unique number, photographed, and the biologist will record all relevant data on the Desert Tortoise Handling and Take Report (Appendix E) to be provided to BLM in accordance with the project reporting requirements.

Desert tortoises that occur aboveground and need to be moved from harm's way shall be placed in the shade of a shrub, 150 to 1,640 ft from the point of encounter. In situations where desert tortoises must be moved more than 1,640 ft (500 m), translocation procedures may be required. Translocation would likely result in a level of effect to the desert tortoise that would require the



appended procedures.

If desert tortoises need to be moved at a time of day when ambient temperatures could harm them (less than 40 ° F or greater than 95° F), they shall be held overnight in a clean cardboard box. These desert tortoises shall be kept in the care of an authorized biologist under appropriate controlled temperatures and released the following day when temperatures are favorable. All cardboard boxes shall be discarded after one use and never hold more than one tortoise. If any tortoise active nests are encountered, the Service must be contacted immediately, prior to removal of any tortoises or eggs from those burrows, to determine the most appropriate course of action.

Desert tortoises located in the project area sheltering in a burrow during the less-active season may be temporarily penned in accordance with Term and Condition I.k. at the discretion of an authorized desert tortoise biologist. Desert tortoises should not be penned in areas of moderate to heavy public use, rather they should be moved from harm's way in accordance with the most current Service-approved guidance (currently Service 2009).

Desert tortoises shall be handled in accordance with the Desert Tortoise Field Manual (Service 2009). Equipment or materials that contact desert tortoises (including shirts and pants) shall be sterilized, disposed of, or changed before contacting another tortoise to prevent the spread of disease. All tortoises shall be handled using disposable surgical gloves and the gloves shall be disposed of after handling each tortoise. An authorized desert tortoise biologist shall document each tortoise handling by completing the Desert Tortoise Handling and Take Report (Appendix E).

- I.k. Penning—Not required for this project.
- I.l. Temporary tortoise-proof fencing— Not required for this project.
- I.m. Permanent tortoise-proof fencing—Not required for this project.
- I.n. Wildlife escape ramps—Not required for this project. See measure 8.d. for trenches.
- I.o. Dust control—Water applied to for dust control shall not be allowed to pool outside desert-tortoise fenced areas, as this can attract desert tortoises. Similarly, leaks on water trucks and water tanks will be repaired to prevent pooling water. An authorized desert tortoise biologist/monitor will be assigned to patrol each area being watered immediately after the water is applied and at approximate 60-minute intervals until the ground is no longer wet enough to attract tortoises if conditions favor tortoise activity.
- I.p. Blasting—Not applicable for the proposed action.
- I.q. Power transmission projects—Not applicable for the proposed action.
- I.r. Timing of construction—The BLM shall ensure that when possible, the project proponent schedules and conducts construction, operation, and maintenance activities within desert tortoise habitat during the less-active season (generally November 1 to February 28/29) and during periods of reduced desert tortoise activity (typically when ambient temperatures are less than 60 or greater than 95 °F).

All vehicles and equipment that are not in areas enclosed by desert tortoise exclusion fencing will stop activities in desert tortoise habitat during rainfall events in the more-active season (generally March 1 to October 31), and if temperatures are above 60 but below 95 °F for more than 7 consecutive days. The Field Contact Representative (FCR) or designee will determine, in coordination with the BLM and Service, when it is appropriate for project activities to continue.

**RPM 2: Predator Control—Applies to all actions.** BLM, and other jurisdictional Federal agencies as appropriate, shall ensure their agency personnel, the project proponent, and their contractors implement the following measures to minimize injury to desert tortoises as a result of predators drawn to the project area from construction, operation, and minor maintenance activities:

Terms and Conditions:

- 2.a. Litter control, applies to all projects—A litter control program shall be implemented to reduce the attractiveness of the area to opportunistic predators such as desert kit foxes, coyotes, and common ravens. Trash and food items will be disposed of properly in predator-proof containers with predator-proof lids. Trash containers will be emptied and construction waste will be removed daily from the project area and disposed of in an approved landfill. Vehicles hauling trash to the landfill or transfer facility must be secured to prevent litter from blowing out along the road.
- 2.b. Deterrence—The project proponent will implement measures to discourage the presence of predators on site (coyotes, ravens, etc.), including elimination of available water sources, designing structures to discourage potential nest sites, and use of hazing to discourage raven presence.
- 2.c. Monitoring and predator control—Not applicable for the proposed action.
- 2.d. Evaporation ponds and open water sources—Not applicable for the proposed action.

**RPM 3: Impacts to Desert Tortoise Habitat—Applies towards all actions that involve habitat impacts.** BLM, and other jurisdictional Federal agencies as appropriate, shall ensure their agency personnel, the project proponent, and their contractors implement the following measures to minimize loss and long-term degradation and fragmentation of desert tortoise habitat, such as soil compaction, erosion, crushed vegetation, and introduction of weeds or contaminants from construction, operation, and minor maintenance activities:

Terms and Conditions:

- 3.a. Habitat protection plans—BLM shall ensure that the applicants develop and implement an approved fire prevention and response plan, erosion control plan, and a weed management plan approved by BLM prior to surface disturbance.
- 3.b. Restoration plan— Not required for this project.
- 3.c. Minimizing new disturbance—Cross-country travel outside designated areas shall be prohibited. All equipment, vehicles, and construction materials shall be restricted to the designated areas and new disturbance will be restricted to the minimum necessary to complete the task (e.g., such as

construction of one-lane access roads with passing turnouts every mile rather than a wider two-lane road).

All work area boundaries shall be conspicuously staked, flagged, or otherwise marked to minimize surface disturbance activities.

- 3.d. Weed prevention—Vehicles and equipment shall be cleaned with a high pressure washer prior to arrival in desert tortoise habitat and prior to departure from areas of known invasive weed and nonnative grass infestations to prevent or at least minimize the introduction or spread these species.
- 3.e. Chemical spills—Hazardous and toxic materials such as fuels, solvents, lubricants, and acids used during construction will be controlled to prevent accidental spills. Any leak or accidental release of hazardous and toxic materials will be stopped immediately and cleaned up at the time of occurrence. Contaminated soils will be removed and disposed at an approved landfill site.
- 3.f. **Residual impacts from disturbance—not required for this project.**

**RMP 7: Compliance and Reporting—Applies towards all actions.** BLM, and other jurisdictional Federal agencies as appropriate, shall ensure their agency personnel, the project proponent, and their contractors implement the following measures to comply with the reasonable and prudent measures, terms and conditions, reporting requirements, and reinitiation requirements contained in this biological opinion:

Terms and Conditions:

- 7.a. Desert tortoise deaths—The deaths and injuries of desert tortoises shall be investigated as thoroughly as possible to determine the cause. The Service (702/515-5230), BLM wildlife staff (702/515-5000) and appropriate state wildlife agency must be verbally informed immediately and within 5 business days in writing (electronic mail is sufficient). The Authorized Desert Tortoise Biologist shall complete the Desert Tortoise Handling and Take Report (Appendix E).
- 7.b. Non-compliance—Any incident occurring during project activities that was considered by the FCR, authorized desert tortoise biologist, or biological monitor to be in non-compliance with this biological opinion shall be immediately documented by an authorized desert tortoise biologist. Documentation shall include photos, GPS coordinates, and details on the circumstances of the event. The incident will be included in the annual report and post-project report.
- 7.c. Fence inspection—Fencing is not required for this project.
- 7.d. **Project reporting requirements**— Project proponents will provide BLM with compliance reports. Quarter (non-appended actions), annual, and comprehensive final project reports will be submitted to BLM and the Service's Nevada Fish and Wildlife Office in Las Vegas. Annual reports are required for all appended actions (except those completed and provided in a prior annual report). Annual reports will cover the calendar year and are due April 1<sup>st</sup> of the following year (e.g., the annual report for calendar year 2013 is due April 1, 2014). Quarterly reports for non-appended actions are due 15 calendar days following the quarter. Final project reports are due within 60 days following completion of the project or each phase of the project.

The Programmatic Biological Opinion Report to the Fish and Wildlife Service (Appendix G) will be used for quarterly, annual, and final project reports, and shall include all Desert Tortoise Handling and Take Reports (Appendix E). If available, GIS shape files will be included.

- 7.e. **Operation and maintenance**—A written assessment report shall be submitted annually to the Service outlining the operation and maintenance activities that occurred over the past year.

Report to include: It will include frequency of implementation of minimization measures, biological observations, general success of each of the minimization measures. All deaths, injuries, and illnesses of endangered or threatened species within the project area, whether associated with project activities or not, will be summarized in the annual report. The report is due April 1 of each year.

- 7.f. Restoration monitoring— Not required for this project.

**8: Minimization Measures**

- 8.a. **The project applicant shall notify BLM wildlife staff at 702-515-5000 at least 10 days before initiation of the project.** Notification shall occur before any activities begin that will damage or remove vegetation, such as off-road vehicle travel for surveys, soil testing, and clearing vegetation off the project site. The purpose of the notification is to ensure that the proper education program is given and to review expectations for compliance with the terms and conditions of the biological opinion.
- 8.b. Overnight parking and storage of equipment and materials, including stockpiling, shall be in previously disturbed areas or areas cleared by a tortoise biologist. If not possible, areas for overnight parking and storage of equipment shall be designated by the tortoise biologist in coordination with BLM and project proponent, which will minimize habitat disturbance.
- 8.c. Within desert tortoise habitat, any construction pipe, culvert, or similar structure with a diameter greater than 3 inches stored less than 8 inches above the ground will be inspected for tortoises before the material is moved, buried, or capped.
- 8.d. **Trenches:** All trenches and holes will be covered, fenced or backfilled to ensure desert tortoises do not become trapped unless alternate measures are in place as agreed by BLM and the Service. If trenches or holes are to remain open during construction, they will be checked for tortoises at least four times a day, at the start of day, at mid-morning, early afternoon, and at the end of the work day. The trenches or holes will also be checked immediately before backfilling regardless of the season. Tortoises found in the trench will be reported and moved out of harm's way in accordance with handling protocols (Service 2009).
- 8.e. Ravens and other avian tortoise predators: Not applicable to this project.
- 8.f. **Vehicles:** All project/event-related individuals shall check underneath stationary vehicles before moving them. Tortoises often take cover under vehicles. All vehicle use will be restricted to existing roads. New access roads will be created only when absolutely necessary and only when approved by BLM. Workers shall not drive or park vehicles where catalytic converters can ignite dry vegetation and to exhibit care when smoking in natural areas. Fire protective mats or shields shall be used during grinding or welding.

**Minimization Measures to Minimize Threat of Nonnative Plants**

- 8.g. Rehabilitate, reclaim, or revegetate areas subjected to surface-disturbing activities where feasible. Habitat will be reclaimed so that pre-disturbance conditions can be reached within a reasonable time frame. Reclamation may include salvage and transplant of cacti and yucca, recontouring the area, scarification of compacted soil, soil amendments, seeding, vertical mulch, and transplant of seedling shrubs. If necessary subsequent seeding or transplanting efforts may be required, should monitoring indicate that the original effort was not successful.
- 8.h. If required by BLM weeds specialist, Complete a Weed Risk Assessment for the proposed project prior to construction activities. This document will address the presence of any weeds; the potential for weeds within the project area to be spread to non-infested areas within the project area; the potential for introducing weeds into the project area via vehicles, equipment, fill material, and water brought in from an outside source; and minimization to reduce the potential for spreading weeds.
- 8.i. If off-site fill material is used, survey the site where the fill source comes from for noxious plants. Only fill from non-contaminated sites shall be used.
- 8.j. Certify that all plant material including animal feed and material used for erosion control (straw, etc.) is weed-free.
- 8.k. Clean all equipment of weed and grass seeds, stems, stalks, etc., prior to arrival and release from the project site. The washdown will concentrate on the undercarriage, with special emphasis on axles, crossmembers, motor mounts, and on and underneath steps, running boards and front bumper/bushguard assemblies.
- 8.l. Should there be concentrated areas of noxious weeds within the project area, additional spraying of equipment may be required to prevent the contamination of uninfested areas.
- 8.m. Wash sites will be mapped for future monitoring of weed infestations.
- 8.n. Mechanized treatments will not be conducted on slopes greater than 30 percent to minimize erosion.
- 8.o. Treatments that compact and disturb the soil to the degree that runoff and erosion would be increased should be ripped and properly drained.
- 8.p. Untreated islands of natural vegetation would be left to minimize negative impacts of the natural community.
- 8.q. When herbicide use is approved by BLM and the Service, applicant will follow information and guidelines provided on label and pesticide use permit.

## APPENDIX E. DESERT TORTOISE HANDLING AND TAKE REPORT

If a desert tortoise is killed or injured, immediately contact the U.S. Fish and Wildlife Service and BLM, by phone at the numbers below and complete Section I of the form.

Completed forms should be submitted to the BLM and Fish and Wildlife Service:

Bureau of Land Management  
4701 North Torrey Pines Drive  
Las Vegas, Nevada 89130  
702-515-5000

U.S. Fish and Wildlife Service  
4701 North Torrey Pines Drive  
Las Vegas, Nevada 89130  
702-515-5230

Project Name: Copper Mountain Underground 12kV Distribution Line NEPA No.: DOI-BLM-NV-S010-2014-0140-DNA Case File No./SRP No.: N-93477, N-93477-01 BLM Section 7 log no.: NV-052-15-007	Report Date:
Fish and Wildlife Service Append File No.- n/a	
Authorized Desert Tortoise Biologist: _____ Employed by: _____	
<b>Section 1: Complete all information below if a desert tortoise is injured or killed in addition to initial contact described above.</b>	
If tortoise was injured <input type="checkbox"/> or killed <input type="checkbox"/> (check appropriate box):	
Date and time found: _____ Found by: _____ GPS location (NAD 83): easting: _____ northing: _____ No. of photos taken: _____ Disposition: _____ _____ _____	
Attach report with photos that describe in detail, the circumstances and potential cause of injury or mortality. For injuries include name of veterinarian and detailed assessment of injuries.	

**Section 2: Complete all information below for each desert tortoise handled.**

All instances of desert tortoise handling must be reported in this section and be included in the quarterly, annual, and final project reports.

Desert tortoise number: \_\_\_\_\_

Date and time found: \_\_\_\_\_ Sex of tortoise: \_\_\_\_\_

Air temperature when found: \_\_\_\_\_ Air temperature when released: \_\_\_\_\_

Tortoise activity when found: \_\_\_\_\_

Handled by: \_\_\_\_\_ Approx. carapace length \_\_\_\_\_

GPS location (NAD 83) found: easting: \_\_\_\_\_ northing: \_\_\_\_\_

GPS location released: easting: \_\_\_\_\_ northing: \_\_\_\_\_

Approximate distance moved: \_\_\_\_\_

Did tortoise void bladder; if so state approximate volume and actions taken:

\_\_\_\_\_

Post handling or movement monitoring and observations:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Section 3: Complete for each tortoise burrow penned.**

All instances of desert tortoise penning must be reported in this section and be included in the quarterly, annual, and final project reports.

Date and time of pen construction:

Began: \_\_\_\_\_ Completed: \_\_\_\_\_

Date and time pen removed: \_\_\_\_\_

Pen constructed by: \_\_\_\_\_

Why was tortoise penned? \_\_\_\_\_

How frequently was pen monitored? \_\_\_\_\_

Observations of desert tortoise behavior including time and date of observation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Include photos of pen and burrow with report.



**APPENDIX F. SECTION 7 FEE PAYMENT FORM**

**SECTION 7 LAND DISTURBANCE FEE PAYMENT FORM**

**Biological Opinion File Number:** 84320-2010-F-0365.R003  
**Biological Opinion Issued By:** Nevada Fish and Wildlife Office, Las Vegas, Nevada  
**Species:** Mojave Desert Tortoise (*Gopherus agassizii*)  
**Project Name:** Copper Mountain Underground 12KV Distribution Line  
**NEPA #:** DOI-BLM-NV-S010-2014-0140-DNA  
**Case File/Serial #:** N-93477. N-93477-01  
**BLM Sec 7 log #:** NV-052-15-007  
**Project Proponent:** Nevada Power Company  
**Comment:**

Payment Calculations:	Clark County		County		County	
	Critical habitat	Non-critical habitat	Critical habitat	Non-critical habitat	Critical habitat	Non-critical habitat
# acres anticipated to be disturbed on federal land						
Fee rate (per acre)						
Total cost/habitat type (per county)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total cost per county	\$ -		\$ -		\$ -	

**Total payment required (all counties):** \$

**Amount paid:** \_\_\_\_\_ **Date:** \_\_\_\_\_ **Check/Money Order #:** \_\_\_\_\_

**Authorizing agencies:** Bureau of Land Management, \_\_\_\_\_ Nevada

**Make check payable to:** Bureau of Land Management

**Deliver check to:** Physical Address  
 Bureau of Land Management  
 Attn: Information Access Ctr  
 1340 Financial Blvd.  
 Reno, NV 89502

**Credit Card Payments:** Contact BLM State Office Public room at 775-861-6500  
 For BLM Public Room

**Process check to:**

Contributed Funds-All Other  
 WBS: LVTFFX000800  
 7122 FLPMA

All other Res. Dev. Project and Management

Remarks: LLNV934000 L71220000 JP0000 LVTFFX000800 Desert  
 Tortoise Conservation Program

Please provide a copy of this completed  
 payment form and the payment receipt to NV-  
 930, Attn: T&E Program Lead

**\*\*T&E Program Lead will provide a copy to the appropriate District Office(s)**

**APPENDIX G. PROGRAMMATIC BIOLOGICAL OPINION (FILE NO. 84320-2010-F-0365.R003) REPORT TO THE FISH AND WILDLIFE SERVICE**

The information below should be completed by BLM or the Authorized Desert Tortoise Biologist for the project/action. Reports for all appended actions are required annually (due March 1 of each year for prior calendar year activities) and upon completion of the project/action.

Project Name: Copper Mountain Underground 12kV Distribution Line

NEPA no.: DOI-BLM-NV-S010-2014-0036-EA

Case File no./SRP no.: N-93477, N-93477-01

BLM Section 7 log no.: NV-052-15-007

☐ Annual Report

☐ Project Completion Report

1. Date: \_\_\_\_\_

2. Fish and Wildlife Service File No (for appended actions):

n/a

3. Species and critical habitat affected:

☒ Desert tortoise

☐ Desert tortoise critical habitat

Other (identify):

4. Project/action status:

☐ Not begun

☐ In progress\*

☐ Completed

date

If in progress, state approximate percent complete: \_\_\_\_\_

5. Desert tortoise habitat disturbed:

Non-critical habitat		Critical habitat	
Proposed disturbance (ac)	Actual disturbance (ac)	Proposed disturbance (ac)	Actual disturbance (ac)
0		0	

6. Habitat of other species disturbed (identify species, non-critical, and critical habitat affected below):

7. Summary of individual desert tortoises taken (appended action):

Desert Tortoise:			
	Adults	Juveniles	Eggs
Exempted			
Actual			

Describe other individuals taken:


8. Name of authorized desert tortoise biologists and monitors on the project and the dates they were on the project.

9. Describe all non-compliance issues and events.

10. Desert tortoise burrow observed during activity/event:

<p>Total number desert tortoises observed: _____</p> <p>Total number desert tortoise burrows observed: _____</p> <p>Attach a summary report detailing each desert tortoise and/or desert tortoise burrows observed during activity/event including tortoise activity when found, how the animal was avoided, what happened to the tortoise, the date and time encountered and GPS location (NAD 83 easting: _____ northing: _____)</p>
--

11. Contact Information

Name \_\_\_\_\_ Company \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

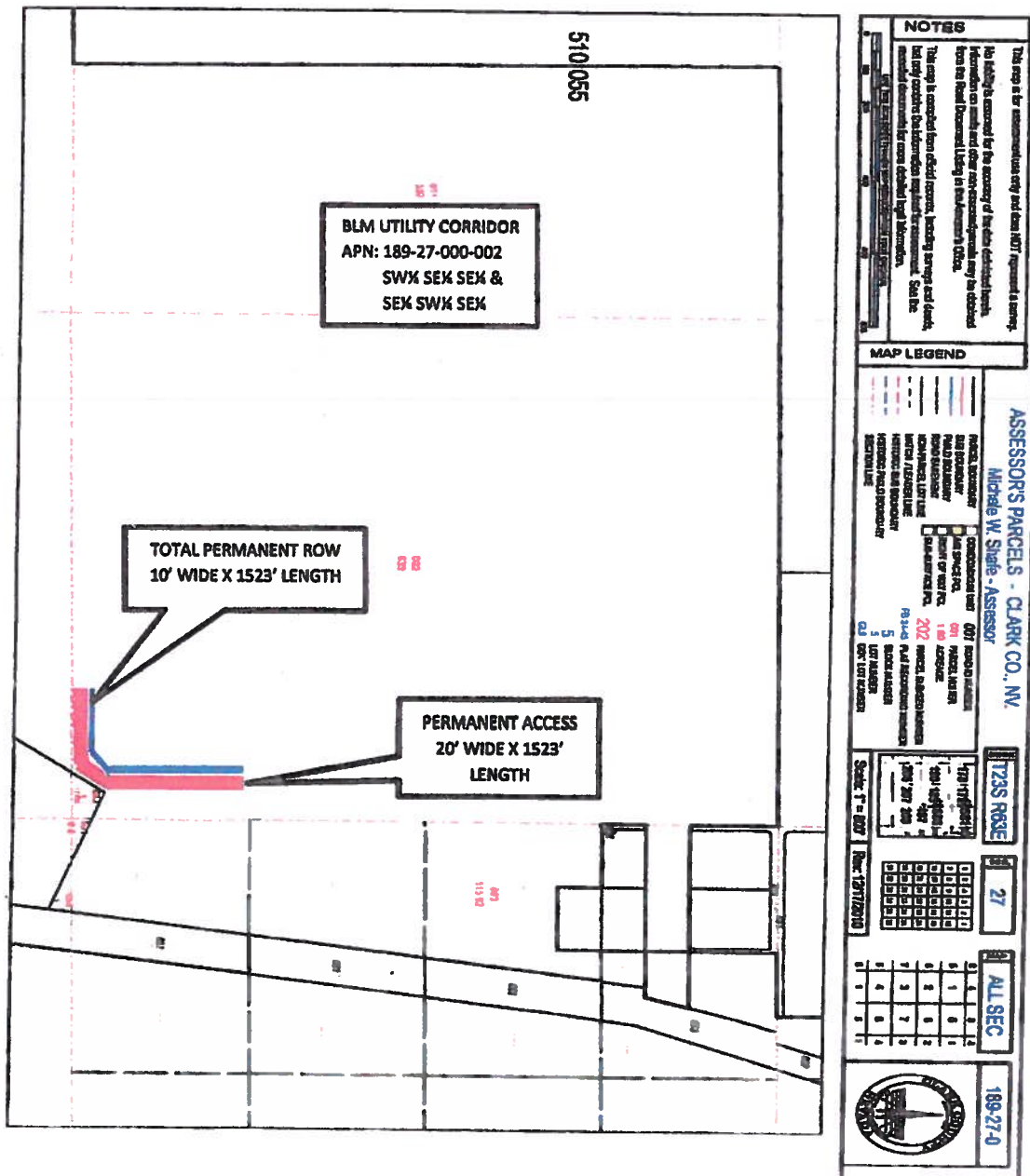
Signature \_\_\_\_\_ Date \_\_\_\_\_

Send completed form to:

Bureau of Land Management  
Attn: Wildlife Staff  
4701 North Torrey Pines Drive  
Las Vegas, Nevada 89130  
702-515-5000

U.S. Fish and Wildlife Service  
4701 North Torrey Pines Drive  
Las Vegas, Nevada 89130  
702-515-5230

COPPER MOUNTAIN SOLAR 3  
WR# 3000196505  
APN: 189-27-000-002



Length across Federal Lands for Permanent ROW is 10.00 feet width by 713' feet length within the Southwest Quarter (SW $\frac{1}{4}$ ) of the Southeast Quarter (SE $\frac{1}{4}$ ) of the Southeast Quarter (SE $\frac{1}{4}$ ) and 10.00 feet width by 810' feet length within the Southeast Quarter (SE $\frac{1}{4}$ ) of the Southwest Quarter (SW $\frac{1}{4}$ ) of the Southeast Quarter (SE $\frac{1}{4}$ ) and a Permanent Access ROW 20.00 feet width by 1523 feet length all within said Section 27.

NORTH   
(Not to Scale)

STATUS OF PUBLIC DOMAIN  
LAND AND MINERAL TITLES

CLARK COUNTY  
LAS VEGAS GR DIST

# MT PLAT

[illegible]

FOR ORDERS EFFECTING DISPOSAL OR USE OF  
UNIDENTIFIED LANDS WITHDRAWN FOR CLASSIFICATION,  
MINERALS, WATER AND FOR OTHER PUBLIC PURPOSES,  
REFER TO INDEX OF MISCELLANEOUS DOCUMENTS.

CC 017359 sub, act to all prior existing rights  
or claims

theater of the town of Lora 1.4.3.8. See 1.4.3.8.10

132348 Accrual No. 30.0000  
Sec 14.23. (W. 70.00)

OL 40 0 07 Newsweek DLE

N 24166 Sec 3, W 1/2 NE 1/4, NW 1/4, N 1/2 SW 1/4

**NJ6717 Sec 10. E<sup>1/2</sup>**

W23813 Soc 14 N112

W25032 SAC 14.512

NSA/ISS R/W Enroute 2, attach Sec 9 NEIA (b)(7)(C)

02310 Export from US

**Sec 11: Laws S.B. W/1**

Sec 14: Lanes 2, 4, 5, 8, 11/7

Sec 23: Lot 3, SE 1/4 NW 1/4, E.

NOX 10/11/2011

Mr J. S. W. 2. 11. 14. 5. 11. 14. 5.

100

57017 R/W Buried Tel Cable

Sec 29 12E12NW1/4 SW 1/4  
Sec 14 5E14S13W1/4 SW 1/4

[illegible]

100

**2020-21**

**SECRET**

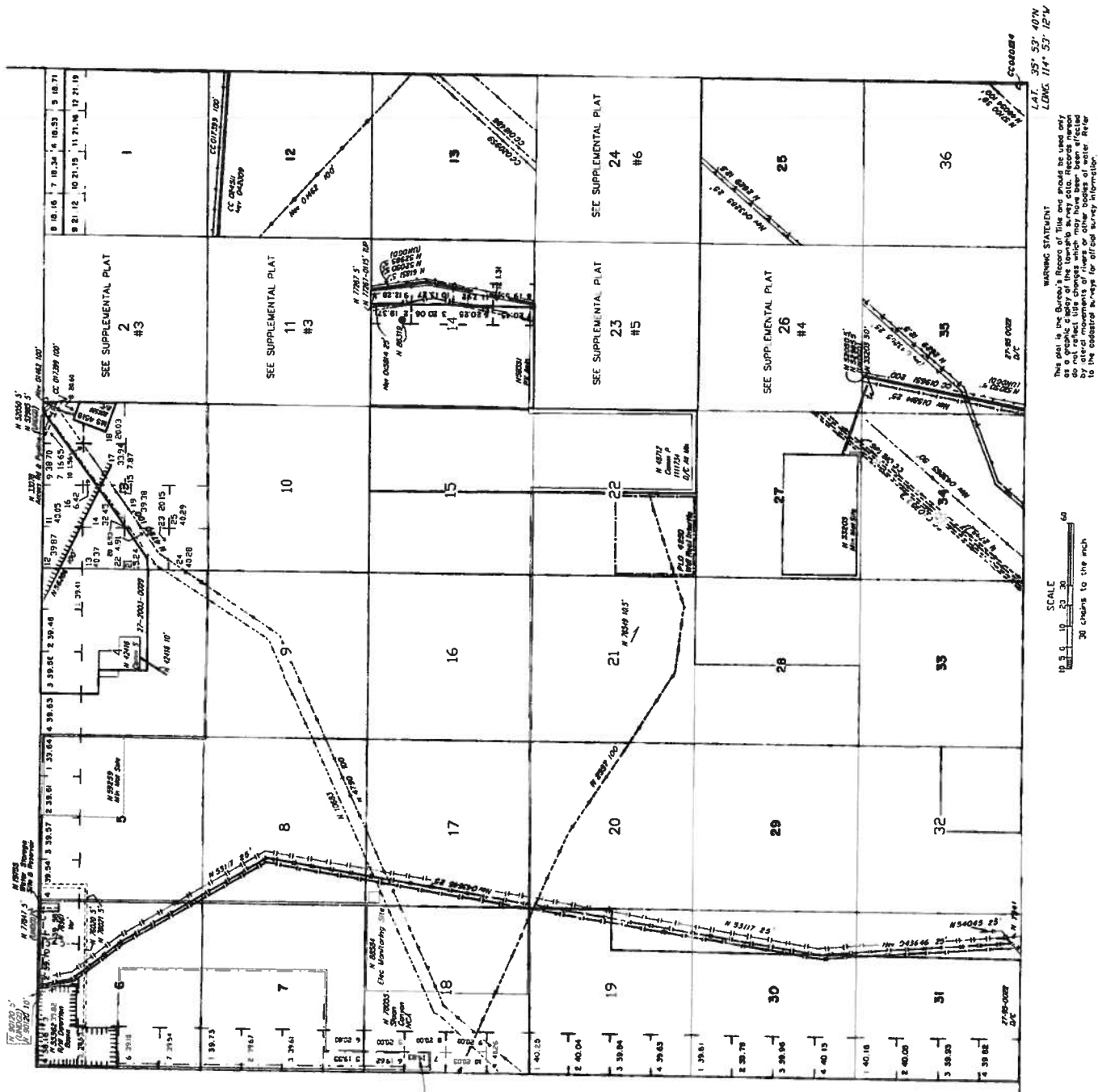
1999

CONFIDENTIAL

77-10716-28

CURRENT TO	BY
8/19/09	MS
11/23/10	MS
8/23/11	MS
11/8/11	MS

N-050  
T. 23S  
R. 65E



**WARNING STATEMENT**

This plot is the Bureau's Record of Title and should be used only as a graphic display of the townsite survey data. Records herein do not reflect title changes which may have been effected by altered movements of rivers or other bodies of water. Refer to the cadastral surveys for official survey information.

A vertical scale is shown on the right side of the page. It is labeled "SCALE" at the top and "30 chains to the inch" at the bottom. The scale has markings at 0, 10, 20, 30, 40, 50, and 60.

Exhibit C  
N-93477 &  
N-934477-01

ROW Location